## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

BARBARA LODER HILDEBRANDT,	) )
Plaintiff,	)
vs.	) Case No. C-1-02 0003
HYATT CORPORATION, et al.	) Judge Sandra Beckwith  Magistrata Judge Timethy S. Pleek
Defendants.	) Magistrate Judge Timothy S. Black

# DEFENDANTS' MOTION TO REMOVE EXHIBITS AND FOR LEAVE TO FILE REDACTED EXHIBITS

Defendants Hyatt Corporation ("Hyatt"), Ty Helms, Brian J. Booth and Jack Horne (collectively "Defendants"), hereby submit this Motion requesting that the Court (1) remove from the record Exhibits A through C to Defendants' Motion in Limine to Exclude Expert Opinion and Report of Harvey S. Rosen (Doc. 79), which Exhibits are filed as part two (2) to Document No. 79, and (2) grant leave to the Defendants to file redacted Exhibits A through C in this action. The grounds for this Motion are set forth in the attached supporting memorandum. DATED this 23<sup>rd</sup> day of June, 2004.

Respectfully submitted,

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s/Jeffrey J. Harmon per telephone

authorization of 6/23/04

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## MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO REMOVE EXHIBITS AND FOR LEAVE TO FILE REDACTED EXHIBITS

Defendants Hyatt Corporation ("Hyatt"), Ty Helms, Brian J. Booth and Jack Horne (collectively "Defendants"), submit this Memorandum in Support of Defendants' Motion to Remove Exhibits and for Leave to File Redacted Exhibits, and state as follows:

On June 8, 2004, Defendants filed Defendants' Motion in Limine to Exclude Expert Opinion and Report of Harvey S. Rosen which includes Exhibits A through C (Doc. 79). Exhibits A through C are filed as part two (2) to Document No. 79 in the Court's Electronic Filing System.

On June 9, 2004, Ms. Tempann Thomas, Docket Deputy, advised the undersigned counsel for Defendants, Jeffrey J. Harmon, that an exhibit in Document No. 79 contained privacy information. Defendants have filed this Defendants' Motion to Remove Exhibits and for Leave to File Redacted Exhibits after consulting with Ms. Thomas regarding the appropriate procedure for addressing this matter.

Therefore, Defendants respectfully request that the Court grant Defendants' Motion to Remove Exhibits and for Leave to File Redacted Exhibits.

DATED this 23<sup>rd</sup> day of June 2004.

Respectfully submitted,

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Document 83

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 23, 2004, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to Stanley M. Chesley, Esq. and Robert Steinberg, Esq., Waite, Schneider, Bayless, & Chesley Co., L.P.A., 1513 Central Trust Tower, Cincinnati, Ohio, 45202, Michael J. O'Hara, Esq., O'Hara, Ruberg, Taylor, Sloan & Sergent, 209 Thomas More Park, Suite C, P.O. Box 17411, Covington, Kentucky 41017-0411, and John S. Marshall, Esq. and Edward R. Forman, Esq., Marshall and Morrow LLC, 111 West Rich Street, Suite 430, Columbus, Ohio 43215-5296.

s/Jeffrey J. Harmon Jeffrey J. Harmon